

**Important Notice About Estate Recovery for MassHealth Members
Aged 55 and Older or Permanently Institutionalized**

On March 26, 2004, the Legislature voted to change the effective date of the state law that had expanded the definition of “estate” for purposes of the MassHealth Estate Recovery Program to include assets that pass outside of the probate estate. Previously, this expansion of the MassHealth Estate Recovery Program was to apply to persons who died after July 1, **2003**. With this most recent change in the law, this expansion will now apply only to persons who die on or after July 1, **2004**.

Therefore, for MassHealth members who die before July 1, 2004, MassHealth will only collect from assets that pass through a member’s probate estate. Generally, a probate estate includes property that a person owned individually or with another person as tenants in common.

In light of this recent change in the state law, MassHealth is taking the following actions.

- If you received an Asset Disclosure Form from the Estate Recovery Unit, you **do not** have to fill it out.
- If you received a claim against non-probate assets in the mail, it will be **released** and you **do not** have to pay it.
- All claims filed against probate estates will continue to exist.
- **Any** checks forwarded to the Estate Recovery Unit for payment of claims against non-probate assets that were not deposited will be **returned** with a **release** of those claims.
- If you paid such a claim, you will be receiving a **refund and release** shortly.

If you have questions about this change, please call the Estate Recovery Unit at 1-800-754-1864.

For more information about estate recovery, see the MassHealth regulations at 130 CMR 501.011 and 515.013 and Chapter 118E, sections 31 and 32 of the Massachusetts General Laws.